

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

IN THE MATTER OF:

CASE NO: 2:19-cv-00080-SPC-MRM

SUNTEX MARINA INVESTORS, LLC,
SMI TRS OpCo LLC,
SNOOK BIGHT HOLDINGS, LLC,
ST SNOOK BIGHT LLC,
SNOOK BIGHT SMI OpCo, LLC,
for Exoneration and/or Limitation of
Liability as the owner of the Tritoon Pontoon
identified as Sea Breeze #232, its engine,
tackle, appurtenances, etc.,

Petitioners.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 102](#)). Judge McCoy recommends granting in part and denying in part Petitioners' Motion for Leave to Amend their Answers and Affirmative Defenses and Implead Non-Parties. ([Doc. 102](#)). Neither party objects to the Report and Recommendation, and the time to do has expired.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” [28 U.S.C. § 636\(b\)\(1\)](#). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.


Accordingly, it is now

ORDERED:

1. United States Magistrate Judge Mac R. McCoy’s Report and Recommendation ([Doc. 102](#)) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.
2. Petitioners’ Motion for Leave to Amend its [sic] Answers and Affirmative Defenses and Implead Non-Parties ([Doc. 73](#)) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. The motion is granted to the extent that Petitioners seek leave to file a Third-Party Complaint against Erica Han, Graham Scott, and Gartner Inc.;

- b. The motion is granted to the extent it seeks leave to amend the Answers and Affirmative Defenses, but Petitioners are warned that the amended affirmative defenses must relate to the narrow issues properly before this Court; and
- c. The motion is denied to the extent it seeks any other relief.
3. The Court accepts the Third-Party Complaint ([Doc. 72](#)) as filed and instructs the Clerk of Court to issue the related summonses (see [Doc. 99](#); [Doc. 100](#), [Doc. 101](#)).
4. The Court strikes the impermissibly filed Amended Answer and Affirmative Defenses. ([Doc. 71](#)).

DONE and **ORDERED** in Fort Myers, Florida on February 4, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record